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DEPARTMENT OF STATE
Le/T
OCT 17 1947
TREATY BRANCH
OFFICE OF THE LEGAL ADVISER

Control 3816 CTR

October 16, 1947
6 p.m.

FOR DUNN AND SETSER

Ref Embtel 3118, Oct 8, Art I, para 4. Dept sees two objections translation procedure proposed by Itals. Firstly, would entail what might appear calculated and irregular discrepancy Ital and English texts, from which would be inferred official interpretation that QUOTE immigration UNQUOTE is exact synonym of entry and of sojourn as well. Secondly, would appear create significant dilution substance treaty, to possible disadvantage Itals as well as Americans. Unqualified reservation entry and sojourn (QUOTE entra soggiorno UNQUOTE UNTEL) would expressly nullify rule para one concerning entry, travel and residence, and thus further beeloud potential effectiveness various establishment provisions.

Present immigration proviso, while extensive, is considerably less extreme than Ital proposal. Actually US statutes relating immig allow considerable range alien entry for one purpose or other, and continuation such provisions presumed likely. In any case, immig proviso not intended generally burden right travel and residence in country.

Your authorized proceed on basis formulation additional

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para. Following suggested: QUOTE Provisions of para 1, Art I, shall not be construed to preclude the exercise by either HCP of reasonable surveillance over the movement and sojourn of aliens within its territories or the enforcement of measures for the exclusion or expulsion of aliens for reasons of public order, morals, health or safety. UNQUOTE

This provision may be handled in either of three ways, depending upon Emb's judgment as to which is ~~xxx~~ most expedient. These are: first, addition to protocol; second, addition to end para 1, Art I (with appropriate introductory change); third, the following: Transfer entire present immig proviso (present para 4, Art I) to general exceptions art (Art XXIV), as penultimate or final para thereof. Put new provision in vacancy thus left, as new para 4, Art I. In such case, words QUOTE Article I UNQUOTE therein would be replaced by QUOTE of this Article UNQUOTE, and phrase QUOTE subject provisions para 4 this Article UNQUOTE would be stricken from para 1.

The second and third alternatives offer~~s~~ possible advantage/ placing ~~xxxx